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GARY, W. H., et. ux., Sallie Owens

QUITCLAIM DEED WEST DRAIN NO. 63

0023-0055-0051-00

22-(51)

2780

QUITCLAIM DEED

THIS INDENTURE, made the 20th day of January, in the year of our Lord, one thousand nine hundred and thirty seven, between

W. H. Gary and Sallie Owens Gary, his wife

parties of the first part, and the United States of America, party of the second part, in pursuance of the provisions of the act of June 17, 1902 (32 Stat. 368), and acts amendatory thereof and supplementary thereto.

WITNESSETH: That the part ies of the first part, for and in consideration of the allowance of credits in the sum of Six hundred thirty and no/100 Dollars (\$ 630.00) upon the construction charge assessments of the Elephant Butte Irrigation District against lands of the said part ies of the first part, pursuant to contract of December 20, 1929, between the said District and the United States, do by these premises demise, release, and forever quitclaim unto the said party of the second part, and to its successors and assigns, all their certain lot, piece, or parcel of land situated in the County of Dona Ana, and State of New Mexico, and bounded and particularly described as follows, to wit:

A tract of land lying and situate in Dona Ana County, New Mexico and in the North-west quarter (NW $\frac{1}{4}$) Section one (1), Township twenty-six (26) South, Range two (2) East, N.M.P.M., Bureau of Reclamation Survey; being also within tract numbered 1528, as shown on Dona Ana County, New Mexico, Plat Book; more particularly described as follows:

Beginning at a point which is the Northwest corner of the land of the grantors and which point is also the Northwest Corner Section one (1), Township twenty-six (26) South, Range two (2) East, N.M.P.M., Bureau of Reclamation Survey; thence South eighty-nine degrees (89°) fifty-eight minutes (58') East along the north property line of the land of the grantors, seventy-two and seven tenths (72.7) feet; thence South twenty-seven degrees (27°) thirty-eight minutes (38') East two thousand no hundred and eighty-one and eight tenths (2081.8) feet; thence North forty-four degrees (44°) fifty-two minutes (52') East, three hundred sixteen and four tenths (316.4) feet; thence North nine degrees (9°) twenty-two minutes (22') East, twenty and one tenth (20.1) feet; thence North twenty-six degrees (26°) eight minutes (08') West, seven hundred forty-two and three tenths (742.3) feet; thence North sixty-three degrees (63°) fifty-two minutes (52') East, sixty-seven and no tenths (67.0) feet to a point on the westerly right of way line of the West Side canal; thence South twenty-six degrees (26°) eight minutes (08') East, along said canal right of way line, eight hundred ten and nine tenths (810.9) feet; thence South forty-four degrees (44°) fifty-two minutes (52') West, three hundred ninety-seven and five tenths (397.5) feet; thence South twenty-seven degrees (27°) thirty-eight minutes (38') East, three hundred thirty-five and four tenths (335.4) feet to a point on the south property line of the land of the grantors and from which point the Southwest Corner Section one (1), Township twenty-six (26) South, Range two (2) East, N.M.P.M., bears South twenty-five degrees (25°) fifty-five minutes (55') fifty-five seconds (55") West, two thousand nine hundred thirty-three and three tenths (2933.3) feet; thence South eighty-nine degrees (89°) fifty-nine minutes (59') West, along said south property line, one hundred twenty-four and one tenth (124.1) feet; thence North twenty-seven degrees (27°) thirty-eight minutes (38') West, three hundred forty-seven and two tenths (347.2) feet; thence North twenty-nine degrees (29°) fifty-six minutes (56') West, five hundred and four tenths (500.4) feet; thence North twenty-seven degrees (27°) thirty-eight minutes (38') West, one thousand five hundred two and five tenths (1502.5) feet to a point on the west property line of the land of the grantors; thence North no degrees (0°) thirty-five minutes (35') East along said west property line, one hundred thirty-eight and eight tenths (138.8) feet to the place of beginning. Said tract containing nine and no tenths (9.0) acres, more or less. All as shown on plat attached hereto and made a part hereof.

together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

To Have and to Hold, all and singular the said premises, together with all the appurtenances, unto the said party of the second part, and unto its successors and assigns, forever.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hand and seal the day and year first above written.

Signed, sealed, and delivered in the presence of—

W. H. Gary

Sallie Owens Gary

[L. S.]

[L. S.]

[L. S.]

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss:

On this 21st day of January, 1937, before me personally appeared W. H. and Sallie Owens Garry

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

H. B. Phillips

My commission expires April 7, 1940

Notary Public in and for Dona Ana County.

PARTIAL RELEASE OF LIEN

KNOW ALL MEN BY THESE PRESENTS, That the undersigned owner(s) and holder(s) of that certain (Mortgage or other lien) dated , 19 , and recorded at Page , Book ,

Records of Dona Ana County, New Mexico, have released and do hereby release the said (Mortgage or other lien) insofar as the same pertains to the parcel or tract of land described in the above and foregoing quitclaim deed, and authorize said lien to be released and satisfied of record to that extent, provided, however, that said (Mortgage or other lien) shall in all other respects remain in full force and effect.

WITNESS (my, our) hand(s) and seal(s) this day of , 19

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss:

On this day of , 19 , before me appeared to me personally known, who being by me duly sworn did say that he is the (Such as president or other officer) of (Here describe the corporation)

and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and said acknowledges said instrument to be the free act and deed of said corporation.

Notary Public in and for Dona Ana County.

My commission expires

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss:

On this day of , 19 , before me personally appeared to me known to be the person described in and who executed the foregoing and acknowledged that executed the same as free act and deed. (Quitclaim deed or partial release of lien)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public in and for Dona Ana County.

My commission expires

STATE OF NEW MEXICO }
COUNTY OF DONA ANA } ss:

I hereby certify that this instrument was filed for record on the 7 day of May A. D. 1937, at 10 o'clock, a. m., and duly recorded in Book 85-A, Page 276-277, of the Records of Deeds and Mortgages of said County.

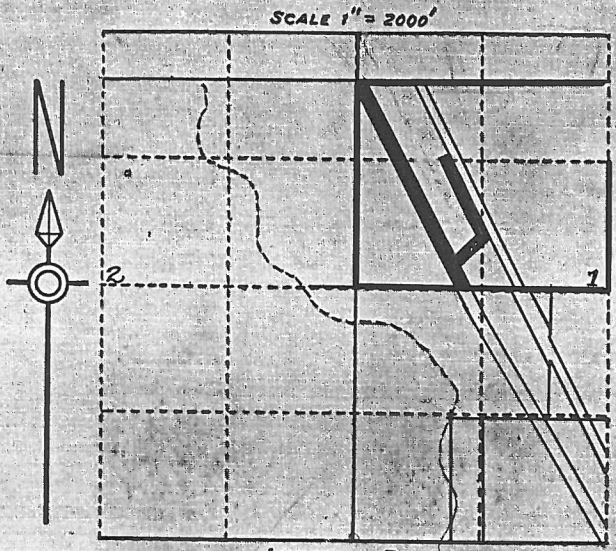
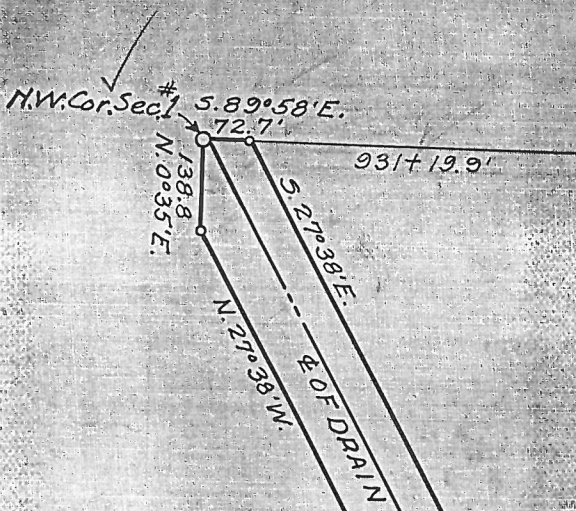
S. L. Apodaca

County Clerk and Ex-officio Recorder.

F. C. Lopez

Deputy.

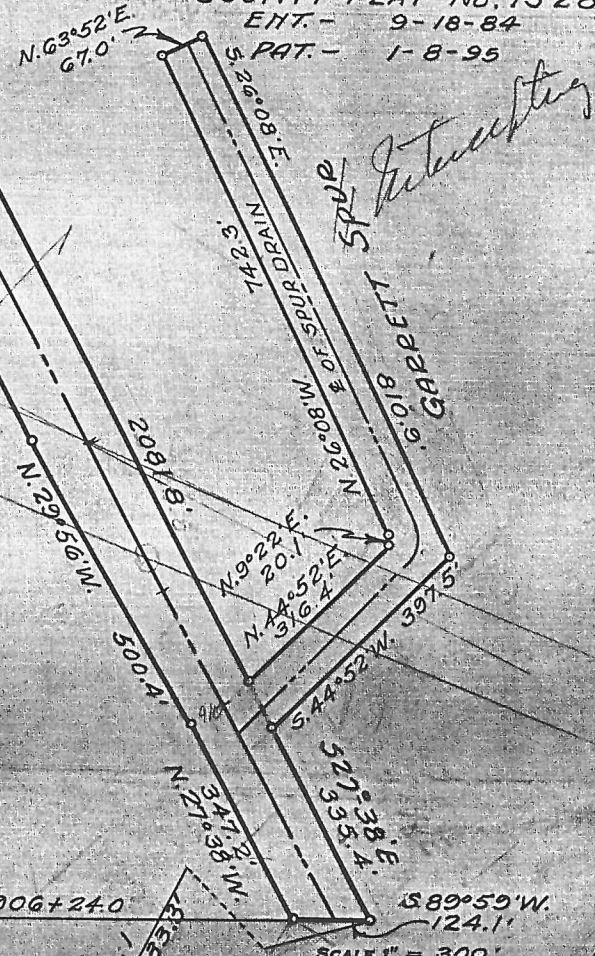
(SEAL)



LOCATION PLAT
S. 1, T. 26 S., R. 2 E., N.M.P.M.
U.S.R.S. SURVEY
DONA ANA COUNTY, N.M.
COUNTY PLAT No. 1528
ENT. - 9-18-84
PAT. - 1-8-95

R.W. AREA - 9.0 A.
W.H. Gary and
Sallie Owens Gary.
Q.C.D. 1/20/37
Rec 5/1/37
BK 85A Pg 276-277

CONSTRUCTION DATES:-
West Drain - May 1918.
Garrett Spur - Apr. 1922.



DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION RIO GRANDE PROJECT-NEW MEXICO-TEXAS ELEPHANT BUTTE DISTRICT WEST DRAIN RIGHT OF WAY	
FIELD WORK	J.R. CHECKED A.A.M. G.W.H.
DRAWN	S.H.C. A.A.M. APPROVED A.W.B.
1102-1-18	EL PASO, TEX. 10/15/30

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

El Paso, Texas April 6, 1937

From Superintendent

To District Counsel

Subject: Acquisition of land utilized for drains - Deed under contract dated December 20, 1929, between the Elephant Butte Irrigation District and the United States - Rio Grande Project.

1. For your consideration, there is transmitted herewith, deed dated January 20, 1937-1932, from E. H. Gary & Sallie Owens Gary conveying 9.0 acres of land, in Sec. 1, Twp. 26 S Range 2 E Dona Ana County, Plat No. 1528, Right of Way Plat No. 63, West Drain, together with certificate of officials of the Elephant Butte Irrigation District dated February 18, 1937, under the provisions of contract dated December 20, 1929, between said District and the United States.

L. R. Flock

Superintendent

To Superintendent

El Paso, Texas, APR 22 1937

The above described deed appears on its face to be in satisfactory form and to be properly executed. The certificate of the officials of the Elephant Butte Irrigation District as to title is properly executed and based thereon, in accordance with the provisions of the above mentioned contract, the deed and certificate are approved as to form and legal sufficiency and the deed may be recorded and the original thereof transmitted to the Washington office in the usual manner and credit may be extended to the District in the amount stated in said certificate in accordance with provisions of the above mentioned contract.

H. J. S. Devries

District Counsel

To The Commissioner

El Paso, Texas. NOV 18 1937

The deed above described has been accepted and recorded. The original executed deed and certificate are transmitted herewith to the Washington office for filing.

L. R. Flock

Superintendent.

CC - Chief Engineer
with enclosure.

ELEPHANT BUTTE-IRRIGATION-DISTRICT

Las Cruces, New Mexico

February 18, 1937

CERTIFICATE TO ACCOMPANY QUIT CLAIM DEED

1. Reference is made to the accompanying quitclaim deed from
W. H. Gary & Sallie Owens Gary Conveying 9.0
 acres of land in Section 1 Township 26 S Range 2 E
 Dona Ana County Plat No. 1528, Right of Way Plat No. 63,
West Drain to The United States for drain right of way,
 and on account of which the District has fixed credit on assessments
 to be allowed the said grantor in the total sum of \$ 630.00
 of which amount a credit of \$ _____ has already been
 allowed by the District to the said landowner on assessments for the
 year _____ pursuant to contract between the District and the United
 States dated December 20, 1929.

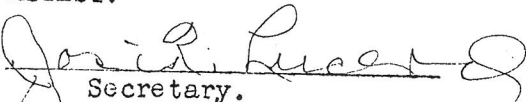
2. It is certified from investigation made, that the grantor(s)
 named in the said deed appear(s) to be the owner(s) and in possession
 of the land described in said deed and that said land was at the time
 of said conveyance free from tax liens and other recorded liens and
 encumbrances.

ELEPHANT BUTTE-IRRIGATION-DISTRICT

By 

President.

ATTEST:



Secretary.

(SEAL)